

REMARKS

The present Amendment is hereby submitted with the attached terminal disclaimer and fee so as to be responsive to the above referenced office action.

Terminal Disclaimer

By way of response to the double patenting rejection of claims 1-4 over U.S. Patent No. 6,986,826, attached is an executed terminal disclaimer relating to the present patent application, and is therefore being submitted under 37 C.F.R. 3.73 and 1.321 with the attached fee under 1.20(d). No further fees beyond the \$65.00 (small entity) terminal disclaimer fee attached hereto are believed due with this response.

Rejection Under 35 U.S.C. 102

The Examiner has further rejected claim 23 under 35 U.S.C. 102 as allegedly being anticipated by Pedginski (U.S. Patent No. 5,807,632). In response thereto, the undersigned wishes to point out that the Pedginski reference is inapplicable over the present invention because the alleged teaching of a coated release side of a fluoropolymer film is nonanalogous to the several claimed aspects. First, it is important to note that the Pedginski patent pertains to a (limited use) release tape and label, and not a virtually permanent mounting device for the unlimited reuse with different labels over the course of time. A system utilizing Pedginski would not be able to maintain surface release integrity when subjected to the stresses of wear, cleaning, and infinite reuse over the course of time.

Second, unlike the present invention, the Pedginski release tape is coextruded with oriented layers and requires a backing. This distinction is also important because it is geared to providing the lowest cost, thinnest substantially linear low density polyethylene (LLDPE) layer that not only **cannot** withstand the aforementioned stresses, and requires a backing, unlike the solid fluoropolymer release film of the present invention.

Third, it is significant to note that Pedginski teaches the coextrusion of *thin* layers that are not true fluoropolymer layers. Pedginski specifically instructs at best the limited use of (expensive) fluoropolymer as an additive to a primarily LLDPE resin. Because Pedginski merely relates to one-time use coatings, it teaches away from the present invention because the present invention specifically uses the opposite composition, namely a solid monolayer of fluoropolymer so as to provide the advantageous aspects of ruggedness and durability that would be beneficial to a permanent mounting device that would be reused indefinitely. Thus, the complete absence in Pedginski, of the use of a pure fluoropolymer monolayer is significant. Further to this point, the Pedginski patent specifically teaches the coextrusion of thin layers, which is directly the opposite of the present invention which values a thick layer so as to provide the above mentioned durability and longevity. Clearly a limited use release tape could never be substituted for use in an environment where containers bearing releasable layers are subjected to scratching, repeated cleaning with industrial cleamers, and abrasion stresses.

Because the Pedginski patent is formed with different materials, according to a different process, and for an entirely different purpose, it is respectfully requested that this rejection be

withdrawn.

Rejections Under 35 U.S.C. 103

The Examiner has also rejected claims 17-23 under 35 U.S.C. 103(a) as allegedly being unpatentable over Petrou (U.S. Patent No. 5,628,858) in view of Tindall (U.S. Patent No. 4,886,680). In response, it bears noting that neither Petrou nor Tindall contain any suggestion(s) that would be required in order for one skilled in the art to combine these two patents. As such, it would be improper to combine these two references.

Moreover, even if these two patents could be combined, each of the respective patents are simply inapplicable over the present invention. Specifically, the Petrou patent relates to the art of a coated release layer, specifically the art of silicone coating, and does not concern construction of a *film*. In direct contrast, the present invention relates to laminating a resin film, not coating a polypropylene layer with silicon. As it pertains to the Tindall patent, it should be noted that the teachings of Tindall are wholly non-analogous over the present invention for at least several reasons. The Examiner has cited Col. 1, lines 40-49 of Tindall, but that portion of the Tindall text details that polytetrafluoroethylene (PTFE) has inherent characteristics that would be useful for making what is commonly described as a linerless roll of pressure sensitive adhesive. Tindall states that PTFE would be unlikely to be used as a base material for an adhesive label because of cost concerns, such that Tindall teaches instead not to use PTFE, but rather to use paper as a throw away liner (col. 1, line 52). As seen on Table 1 on page 16 of the

specification, the present invention is specifically tested so as to be different from such limited use layers by providing far greater durability and longevity when subjected to the harsh stresses of industrial cleaning, abrasion, etc. Furthermore, following the approach taught by Tindall, one would not apply an adhesive to one side of the PTFE which would be the top layer, while the adhesive on the other side would eventually be wound up on a roll to form a linerless roll. There simply is no mention of the concept of placing a label on the surface of the PTFE. Accordingly, there clearly is no teaching in either Petrou or Tindall that would lead a skilled artisan to combine these two teachings, and if combined, both clearly lead away from the claimed invention. As such, it is respectfully requested that these grounds of rejection be withdrawn.

Entry of the above and favorable consideration of the same are courteously solicited.

Respectfully submitted,



Robert S.M. Gorman
Attorney for Applicant(s)
Registration No. 41,790

Gorman Law Offices
305 Madison Avenue
Suite 449
New York, NY 10165
(212) 807-4170